



Dan Skopec
Acting Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8845

May 30, 2006

Mr. Keith Winkler, Director
Kings County Environmental Health
330 Campus Drive
Hanford, California 93230

Dear Director Winkler:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Kings County Environmental Health Certified Unified Program Agency (CUPA) on April 5, 2005. The evaluation consisted of a review of program elements, and an in-office program review. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Another additional evaluation document completed during the evaluation was the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Summary of Findings and I find that Kings County Environmental Health's program performance is satisfactory with some improvement needed. To update our files on your progress toward correcting the identified deficiencies, please provide a status report, using the attached format, within 30 days from receipt of this letter.

Cal/EPA also noted during this evaluation that the Kings County Environmental Health Certified CUPA has worked to bring about a number of program innovations. Electronic copies of UST permits are saved on the CUPA's computer network and inspections are documented with digital photographs. Digital photographs are also enclosed within the business plan files along with the annual inspection documents and violations are noted in these same files. The Cal/ARP files are equally well managed, with their inspection documents incorporated within them. The Kings County Environmental Health CUPA is very involved with businesses and local workshops. The Kings County advisory committee was formed for local businesses and industry in the area and CUPA staff assist with meetings, announcements, developing the agendas, and presenting information at the meetings. There were also three hazardous waste generator compliance workshops and one universal waste disposal roundup held recently.

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Finally, the CUPA has instituted a green business program and a self-audit program for small hazardous waste handlers. We will be sharing the outstanding program implementation examples and program innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

cc: See next page

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cc: Mr. Tim Fillmore, CUPA Manager(Sent Via Email)
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.
Agency Secretary

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

Arnold
Schwarzenegger
Governor

CUPA: Kings County Environmental Health

Evaluation Date: April 5, 2005

EVALUATION TEAM

Cal/EPA: John Paine/Tina Gonzales

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Tina Gonzales at (916) 322-2155.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>	<u>Timeframe</u>
1	The CUPA inspection frequencies are not being met for the Hazardous Waste and Business Plan programs	Establish a frequency rate with the existing staff and procedures to set up inspections for the mandates to be met according to the established frequencies required. All Hazardous Waste and Business Plans must be inspected at least once every 3 years.	Within the next 6 months to work on the established inspections within the hazardous waste and business plan program to increase the inspections and meet the minimum of inspections required by law.
2	The CUPA has had some problems with Federal facilities that pay their UST fee, but not the business surcharge every year	The CUPA will need to work with the Federal Agencies to collect the	Within the next 6 months the

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		mandatory business surcharge required each year. The CUPA will need to incorporate procedures for collection of all surcharges, and to also include procedures for suspension of permits for non-payment or late payments.	CUPA shall incorporate procedures and work with the Federal Agencies to implement the collection of all amounts due.
3	Cal/EPA was provided with a copy of the most recent Self Audit only.	The CUPA should have a Self Audit completed by the end of each fiscal year, completed and on file by September 30 th each year. Each self audit will contain information completed for the fiscal year July 1-June 30 th . These self audits will be used in the upcoming evaluation processes.	Within 6 months to complete the next upcoming self audit and keep with files to be reviewed or requested by CalEPA.
4	In reviewing the Summary Reports, it was hard to see what enforcement was accomplished as most notices had been informal and thus were not tracked on the data system. In talking to the CUPA, it was found that they did have informal actions taken that were not noted on the reports due to the current data entry procedures not recording this information.	The CUPA shall include the total number of informal enforcement actions taken to help show true informal enforcement taken, as most notices had been informal and tracking has not been incorporated into the Summary Reports.	Within 6 months to implement a procedure to incorporate the informal enforcement into the data submitted in the annual summary reports to the State. Those shall be sent to the State in Report 4 by September 30 th .

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Evaluation Summary of Findings

CUPA Representative

(Print Name)

(Signature)

Evaluation Team Leader

(Print Name)

(Signature)

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA is doing a good job of documentation in their inspection program. Electronic copies of UST permits are saved on the CUPA computer network, and they are documenting inspections with photographs. The CalARP files are very well documented with their inspection documents incorporated within them. Digital photos are enclosed within the business plan files. Violations are noted in the inspection documents and information is submitted annually.
2. The CUPA field inspectors have portable data systems for inspections out in the field. The policies and procedures are reviewed periodically during staff meetings and updated as needed. The inspectors are cross-trained in all CUPA programs and combined multi-media are conducted when feasible.
3. The CUPA is involved in enforcement and uses the State AEO process in their enforcement program. They have issued 4 AEO's with 1 referral to the District Attorney. Examples of enforcement include: UST's with sloppiness, liquid in sump, inoperable alarms, sensors moved, minor enforcement, and civil penalties. They have handled a Waste AEO for hazardous waste-waste oil on a farm and trash; a judgment settlement was issued. The CUPA is part of a local task force with a circuit prosecutor for such cases as illegal dumping.
4. The CUPA UST files feature their permits on the cover pages for quicker research. The CUPA is using the waste manifest system
5. The CUPA has program plans for their Hazardous Waste Management, Underground Storage of Hazardous Substances, Hazardous Waste Generators and Emergency Response, Hazardous Materials Risk Management, Release Response Plans, and Inventories which they had provided us copies of at the evaluation.
6. The CUPA has a fee funded program supported by CUPA fees. The fees were raised in 03/04 to help reduce the amount of General Funds used to support the Environmental Health programs. Fees are billed on a monthly cycle using Envision Software. The master final fee schedule is posted on the web site showing all fees for the County.
7. The CUPA is very good in turning in their annual summary reports early before they are due; the last 3 summary reports were turned in early by the due dates.
8. The CUPA is very involved with meetings and local workshops. The Kings County CUPA advisory committee was formed for local businesses and industry in the area. The CUPA staff assists with meetings, announcements, developing the agenda, and presenting information at all the meetings. 3 hazardous waste generator compliance workshops and 1 universal waste disposal roundup were held. Guidance materials were developed and handed out to regulated businesses. The CUPA has instituted a green business program and a self-audit program for small hazardous waste handlers.

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- 9.** The CUPA staff attends the Central CUPA Forum Board meetings in the Central Valley, Regional CalARP, UST Tag meetings, and the local Environmental Crimes Task Force. Staff attends and participates in the local Emergency Response Committee and Bioterrorism Committee Meetings. The CUPA Manager is a member of the CUPA Forum Board participating in activities there, and also attends the UPAAG meetings serving as the lead UST issue coordinator, and member of the UST Steering Committee.
- 10.** The Kings County web site contains links to Environmental Health, Bioterrorism, Hazardous Materials, and Wastes. It also contains extensive information on the CUPAS various programs, containing extra links for the CUPA advisory committee and meeting agendas.
- 11.** The CUPA inspectors provide an added outreach during inspections in the providing pollution prevention materials to businesses while conducting inspections.
- 12.** The CUPA sends out notifications to UST facility owners regarding the new requirements for designated UST Operators to assist them in obtaining training and reference material in preparation for taking the ICC exam to become certified operators.